

IN THE SENATE OF THE UNITED STATES.

JANUARY 26, 1860.—Ordered to be printed.

Mr. POWELL made the following

REPORT.

[To accompany Bill S. 66.]

*The Committee on the Judiciary, to whom was referred a bill to authorize and direct the settlement of the accounts of Ross Wilkins, James Witherell, and Solomon Sibley, report :*

That by the act of Congress of the 21st April, 1806, "to provide for the adjustment of titles of land in the town of Detroit, and Territory of Michigan, and for other purposes," the duty and responsibility of its execution devolved upon the governor and the judges of the Territory of Michigan, to whom a further specific duty was assigned by the act of 28th May, 1830.

The said Wilkins, Witherell, and Sibley were judges of the said Territory of Michigan, and the said Wilkins and the legal representatives of Witherell and Sibley, late judges of said court, claim pay for services performed in the capacity of a land board, in pursuance of the acts of Congress aforesaid.

The salaries of the judges are fixed by law. They accept their positions with a full knowledge of the compensation they are to receive. If additional duties are imposed upon them, and no increase of pay is allowed by law, they discharge the duties, knowing at the time the compensation they are to receive. In no event should a judge be allowed a greater compensation than that fixed by law. The inauguration of a different policy would be contrary to the genius of the Constitution and destructive to the independence of the judiciary.

It would be a severe blow at the independence of the judges to make them dependent upon the coördinate departments of the government for their pay for services rendered. Had it been the intention of Congress that the judges who performed this service should have pay in addition to their salaries for the services to be rendered as a land board, provision for the same would have been made by law at the time the duty was imposed. For the reasons above stated, the committee are of the opinion that the bill should not pass.

